THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 117 OF 2007

Between :

R.P. Narasimha Singh
S/o R.Penchala Singh, Nellore

… Petitioner

And

Employees State Insurance Corporation, rep. By the Joint Director, Vijayawada and another

… Respondents

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WRIT PETITION NO. 117 OF 2007

ORAL ORDER :

The petitioner is aggrieved that the respondents have not considered his representation dated 28.11.2006 for grant of instalments to pay the admitted ESI dues and also apprehends that the respondents would initiate coercive steps for recovery of those dues.

The petitioner and another started a firm S.L.P.N .Motors in 1999 for vending two wheelers at Nellore. The petitioner closed the business on 28.8.2005. The 1st respondent initiated recovery proceedings under the ESI Act 1948 for recovery of arrears of amounts due and payable under the Act for the period April 2000 to 31.1.2006. By a letter dated 20.11.2006 the petitioner beseeched the 1st respondent to confine the liability up to 28.8.2005, as on the date of closure of the business. He also paid Rs.25,000/- towards the admitted liability. According

to the petitioner the respondents are demanding that the petitioner should pay the dues up to 31.1.2006. Eventually, the petitioner sent up a representation on 28.11.2006 requesting that he be granted instalments for payment of balance @ Rs.5,000/- p.m. There being no response and as the respondents are about to initiate coercive steps for recovery of the balance amount, the petitioner is before this court.

The petitioner has not placed before this court any statutory provision or any other legal principle on the basis of which the respondents 1 and 2 are obligated or are authorized to consider the petitioner's representation fro grant of instalments.

In the circumstances the petitioner's grievance that the respondents have not considered his representation for grant of instalments is misconceived, as is the writ petition. There are no merits in the writ petition. The writ petition is accordingly dismissed at the stage of admission. No order as to costs.

03.01.2007

Tsnr/Pvsn Justice G. Raghuram